HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.4435 of 2000

Dated 3rd day of October, 2007

Between:

Kallepu Narsimha Reddy
and three others .. Petitioners

And

The Singareni Colleries Limited,
rep. by its General Manager,
Ramagundam Division-III
and another ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in not initiating the proceedings under the Land Acquisition Act, 1894 (for brevity "the Act") and not paying compensation for the petitioners' lands of an extent of Ac.8.00 cents in S.No.176/ and 176/2 situated in Allur village, as illegal and arbitrary.

The petitioners assert that they are the absolute owners and possessors of agricultural lands admeasuring Ac.08.00 cents in S.Nos.176/1 and 176/2 situated in Allur village, Ramagundam Mandal, Karimnagar District. When the 1st respondent-Singareni Collieries Limited, acquired the lands in question in the year 1994 for the purpose of constructing a housing colony for its staff, the petitioners did not raise any objection about the acquisition and they were under the impression they would be paid adequate compensation as contemplated under the Act. Now, the petitioners' grievance is that the respondents have neither initiated the proceedings under the Act nor paid any compensation to them for acquisition of their lands. Though the petitioners submitted a representation, dated 2.11.1994, the respondents have not considered it and passed any orders so far.

The respondents have filed counter affidavit stating that the petitioners have never been the owners of the lands, which belong to the Government. In this regard, the respondents filed a joint inspection report which was signed on behalf of the Government and the officers of the 1st respondent, wherein it has been declared that the lands in S.Nos.176/1 to 176/3 admeasuring Ac.11.00 cents and Ac.00.07 guntas respectively are assigned lands and they are granted on lease

to the respondents by the Government for the purpose of Mining operations.

Heard the learned counsel for both the parties and perused the material placed on record.

No doubt, the contention of the learned counsel for the petitioners is tenable. Even if the lands are assigned still the assignees are entitled for payment of compensation. But, in view of the stand taken by the 1st respondent-company that the lands belong to the Government and they were never assigned to the petitioners, the contention of the learned counsel for the petitioners that they are the pattadars of those lands cannot be gone into. It is only a competent civil Court which can decide the issue as to whether the lands in question are patta lands or assigned lands or Government lands.

Hence, this writ petition is devoid of merits and is accordingly dismissed. No costs.

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03.10.2007

bcj